

**Translation**

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PCT/EP2003/011517

**PATENT COOPERATION TREATY**



**PCT**

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P801367/MB	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/011517	International filing date ( <i>day/month/year</i> ) 17 October 2003 (17.10.2003)	Priority date ( <i>day/month/year</i> ) 24 October 2002 (24.10.2002)
International Patent Classification (IPC) or national classification and IPC H04N 5/33		
Applicant DAIMLERCHRYSLER AG		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 04 March 2004 (04.03.2004)	Date of completion of this report 25 January 2005 (25.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/011517

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-8, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages 1-12, filed with the letter of 01 December 2004 (01.12.2004)
- ☒ the drawings:  
 pages 1/1, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**I. Basis of the report**

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

1 The amendments submitted with the letter of 30 November 2004 introduce substantive matter which, contrary to PCT Article 34(2)(b), goes beyond the disclosure of the international application as filed.

1.1 The amendments in question are as follows:  
The concept "in the sense of a different co-operation" formulated in claim 1 of the amended international application cannot be derived in this form from the originally filed documents. It is assumed that what is described is a connection between individual components of the night vision system, which is not disclosed in the application as filed.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	4 - 9	YES
	Claims	1 - 3, 10 - 12	NO
Inventive step (IS)	Claims		YES
	Claims	1 - 12	NO
Industrial applicability (IA)	Claims	1 - 12	YES
	Claims		NO

**2. Citations and explanations****1 Citations (D1, D2):**

D1: WO 02 36389 A (AUTOLIV DEV; ERIKSSON DICK (SE); KARLSSON LARS (SE); KAEHLHAMMER J) 10 May 2002  
(2002-05-10)

D2: DE 100 33 103 A (SIEMENS AG) 17 January 2002  
(2002-01-17)

**2 Independent claims 1 and 10 are not clear (PCT Article 6).**

**2.1** Claim 1: It is not clear whether the illumination unit, the image recording unit and the image processing unit are more precise specifications of the concept "plurality of components", or whether these units are present in addition to the plurality of components.

**2.2** To assess novelty, inventive step and industrial applicability, claim 1 was interpreted as follows:  
Method for operating an automobile night vision system comprising the following components:  
- an illumination unit for illuminating the vehicle surroundings  
- an image recording unit for detecting data from

the surroundings

- an image processing unit.

The claimed method merely has to be suitable in principle for operating such a system.

2.3 Furthermore, the term "different constellations" is not sufficiently clear.

2.4 To assess novelty, inventive step and industrial applicability, the term "different constellations" was interpreted as a plurality of different properties of at least one of the components of the night vision system, e.g. different focal lengths of the lens of the image recording unit or different modes of processing of the image processing unit.

2.5 Claim 10 is not clear for the reasons given in points 2.1 and 2.3, *mutatis mutandis*.

2.6 To assess novelty, inventive step and industrial applicability, claim 10 was interpreted as follows: Automobile night vision system comprising the following components:

- an illumination unit for illuminating the vehicle surroundings

- an image recording unit for detecting data from the vehicle surroundings

- an image processing unit, characterised in that

the components of the night vision system can be controlled in such a way that they can be operated in different constellations.

The term "different constellations" was interpreted as per point 2.4.

- 3 Independent claim 1 is not novel (PCT Article 33(2)).

Document D1 (see abstract) discloses:

A method for operating an automobile night vision system comprising the components illumination device, image recording device and image processing device (abstract: lines 1-6), in which the components of the night vision system are operated in different constellations on the basis of at least one control signal (abstract: lines 6-12; description, page 7, lines 5-7; description, page 8, lines 20-23).

The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

- 4 Independent claim 1 is not novel (PCT Article 33(2)) - see point 3, *mutatis mutandis*.

- 5 The subject matter of dependent claims 2, 3, 11 and 12 is not novel (PCT Article 33(2)) - see D1 (page 3, lines 4-29 and page 4, lines 1-4).

- 6 Dependent claims 4-9 do not contain any features which, in combination with the features of any claim to which they refer, could lead to a subject matter involving an inventive step (PCT Article 33(3)).

- 6.1 With respect to claim 4: Stand-by control systems are well-known, and it would therefore be an obvious measure for a person skilled in the art to include such a control system to avoid driver irritation in the operating control system of the night vision device of D1.

- 6.2 With respect to claims 5 and 7: It is obvious to a



person skilled in the art that a request made by the driver for night vision functionality causes the optical display to be activated. Furthermore, it is obvious to a person skilled in the art that unrequested activation of the optical display could lead to driver irritation. It is therefore obvious to a person skilled in the art to activate the night vision system as a function of the vehicle and unnoticed by the driver without switching on the optical display.

- 6.3 With respect to claims 6, 8 and 9: Communication between correspondingly equipped vehicles to avoid driver irritation and blinding during night vision operation is known - see D2 (abstract, paragraphs [0005]-[0009] and [0019]). It would therefore be obvious for a person skilled in the art to integrate a corresponding measure in the night vision device of D1.